

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 73214

Rolling Road Plaza Business TR
3333 New Hyde Park Road
New York NY 11042

1110 North Rolling Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 23, 2010 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 450, failure to cease posting and removing illegal signs on property known as 1110 North Rolling Road, 21228.

On February 2, 2010, pursuant to Baltimore County Code §3-6-205, Inspector Chip Raynor issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The following persons appeared for the Hearing and testified: Tony Ballaschino, Regional Sales Manager for Cort Furniture Rental, Steven Giles, Cort Furniture Rental Store manager and Chip Raynor, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Citation was issued on January 26, 2010 for violation of zoning regulations, stating "you are not permitted to post signs along the street or off your property; you must follow all rules of section 340, remove all signs from Rolling Road and other right-of-ways." This Citation was issued on February 2, 2010. The January 26 Citation qualifies as a correction notice under BCC Section 3-6-203.

B. Inspector Chip Raynor testified that complaints were received about plastic advertising signs that Respondent was placing along public roads including Rolling Road. He further testified that he took ten signs down on the Friday and Saturday prior to this Hearing, and that Respondents continue to place the signs despite multiple notices and visits from Inspector Raynor and from the police department.

C. Tony Ballaschino, Regional Sales Manager for Cort Furniture Rental, and Steven Giles, Cort Furniture Rental Store manager, appeared for this Hearing and acknowledged the responsibility of the local store to abide by sign ordinances. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the violations do not recur in the time stated below. Respondents are advised that pursuant to Departmental policy, any future violations are subject to immediate Citation with no prior Correction Notice.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if re-inspections between the date of this Final Order and July 1, 2010 find the violations corrected. If the violations recur during this time period, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property or may be collected in the same manner as any civil money judgment or debt may be collected.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 12th day of May 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

NOTICE TO RESPONDENT: The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.